



STATE OF RHODE ISLAND

DEPARTMENT OF HEALTH  
DIVISION OF CUSTOMER SERVICES  
CENTER FOR PROFESSIONAL BOARDS AND LICENSING  
NURSING ASSISTANT ADVISORY BOARD

IN THE MATTER OF: DAVID ANTHONY FRUSCELLA  
LICENSEE NO.: NA35477  
COMPLAINT ID #: C20-0516

Department of Health  
Three Capitol Hill  
Providence, RI 02908-5097  
TTY: 711  
[www.health.ri.gov](http://www.health.ri.gov)



### CONSENT ORDER

Pursuant to R.I. Gen Laws §23-17.9-1 *et seq.* and the Rules and Regulations promulgated thereunder, 216-RICR-40-05-22, the Rhode Island Department of Health and the Nursing Assistant Advisory Board (collectively, "RIDOH") have investigated Complaint No. C20-0516 (the "Complaint") charging David Anthony Fruscella, Nursing Assistant license number NA35477, ("Respondent") with violations of R.I. Gen Laws §23-17.9-1 *et seq.*

After review and consideration by RIDOH with respect to the allegations of unprofessional conduct of Respondent, the following are and shall constitute

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. That Respondent is a Nursing Assistant licensed to practice in the State of Rhode Island under Nursing Assistant License Number NA35477.
2. That at all times relevant hereto, Respondent was employed at Eleanor Slater Hospital, 30 Howard Avenue, Cranston, RI 02920.
3. That on or about April 4, 2020, Respondent exhibited a lack of professionalism with regard to his behavior in the presence of a resident.
4. That the conduct described in paragraph three (3) herein constitutes unprofessional conduct pursuant to R.I. Gen Laws §23-17.9-1 *et seq.* and the Rules and Regulations promulgated there under.
5. That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.
6. That Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.
7. That Respondent understands the purpose of this Consent Order is solely to resolve the Complaint.

8. That Respondent hereby acknowledges and waives:
- a) The right to have an administrative hearing on this matter;
  - b) The right to represent oneself or be represented by an attorney of Respondent's own choosing at said hearing;
  - c) The right to present testimony, evidence and witnesses on Respondent's behalf;
  - d) The right to cross-examine witnesses presented by RIDOH;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) The right to take an appeal from the terms of this Consent Order; and
  - g) Any objection that this Consent Order will be reported to the National Practitioner Data Bank as well as posted on RIDOH's public website.

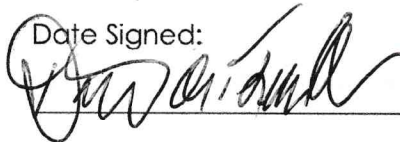
**ACCORDINGLY AND BASED ON THE FOREGOING**

RIDOH and Respondent hereby agree to the following disposition of this Complaint:

- 9. Respondent is hereby issued the sanction of a Reprimand, starting the day this Consent Order is last executed.
- 10. Respondent acknowledges that this Consent Order is an agreement between Respondent and RIDOH.
- 11. This Consent Order shall become a permanent part of Respondent's record maintained by RIDOH and a part of a public record of this proceeding.

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DAVID ANTHONY FRUSCELLA  
LICENSEE NO.: NA35477

  
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Ellen R. Balasco, Esq., Chief, Center for  
Professional Boards and Licensing

Date Signed:  7/14

Date Signed: 7/22/2020  
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